

**ENTERED**TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

A handwritten signature in cursive script, reading "Barbara J. Houser".

United States Bankruptcy Judge

Signed April 03, 2013

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**METEX DEMOLITION, LLC,
DEBTOR.**

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§

**CASE NO. 12-31963-bjh-11
CHAPTER 11 Case**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING MOTIONS TO APPROVE PLAN MODIFICATIONS**

On this day came on for consideration the *Motion to Approve Plan Modifications* [Docket No. 433 LSF and FI, and 292 Metex]¹, filed on March 25, 2013 and the *Motion to Approve Plan Modifications* [Dkt. No. 457, 301] filed on March 29, 2013 (the “**Plan Modification Motions**”) filed by the Debtors above listed in the noted cases. By the Plan Modification Motions, the Debtors ask the Court to approve the *First Modifications to Fourth Joint Plan of Reorganization Dated December 26, 2012, As Amended* [Dkt. No. 422, 282]; the *First Amended Modifications to Fourth Joint Plan of Reorganization Dated December 26, 2012, As Amended* [Dkt. No. 425, 287]; the *Second Modifications to Fourth Joint Plan of Reorganization dated December 26,*

¹ All docket references will refer first to LSF and FI, then to Metex.

2012, *As Amended* [Dkt. No. 430, 297]; and the *Third Modifications to Fourth Joint Plan of Reorganization Dated December 26, 2012, As Amended* [Dkt. No. 455, 299] (collectively, the “**Modifications**”). The Court, after noting that due notice of the Plan Modification Motions has been given to all parties-in-interest at the hearing to consider confirmation of the Debtors’ *Fourth Joint Plan of Reorganization Dated December 26, 2012, as Amended* [Docket No. 270, 223] (the “**Plan**”) and after the consideration of the evidence submitted and the arguments of counsel during the confirmation hearing makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Adequate information was contained in the *Fourth Amended Joint Disclosure Statement Dated December 26, 2012* [Docket No. 271, 224] in this case as set forth in Section 1125 of the Code.
2. The Plan was not modified in such a manner that either classification or treatment of any creditor that voted to accept the Plan was materially altered in an adverse manner.
3. The Modifications do not cause any material adverse changes to the treatment of any class of creditors or interests that voted to accept the Plan, but which has not accepted the Modifications in writing.
4. Notice sent to the twenty (20) largest creditors and those requesting notice is sufficient notice for modifications that do not cause a material adverse change to the treatment of creditors or interest holders which voted to accept the Plan.

CONCLUSIONS OF LAW

1. The Plan, as modified, does not violate Sections 1122 and 1123 of the Code.

2. The Debtor met the qualifications of Section 1125 of the Code by virtue of the Amended Disclosure Statement.

3. All creditors and interest holders who voted in favor of the Plan are deemed to have accepted the Modifications.

END OF ORDER

SUBMITTED BY:

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